

000713

CITY OF SAN DIEGO
MEMORANDUM

110
06/10

DATE: June 18, 2002

TO: Steve Yates, Business Manager, Special Services Division

FROM: Stacey Stevenson, Deputy Director, Equal Opportunity Contracting, Office of the City Manager

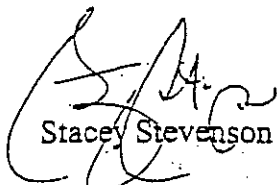
SUBJECT: Exemptions from 1472 Review

I have reviewed the list of 1472 actions that you have submitted for exemption from EOC clearance and concur that the following actions do not require EOC review and approval.

- 1) Existing Maintenance Assessment Districts annual levy approval and approval of the Engineer's Reports; and
- 2) New Maintenance Assessment Districts approval of preliminary Engineer's Report, schedule of public hearing, adopting annual budget, and annual levy approval.

For proper processing of the actions waived, please draw a line through EOCP review and write in "waiver - 6/18/02".

This waiver is effective immediately.


Stacey Stevenson
SS/sfb

cc: Ted Medina, Deputy Director, Park and Recreation Department
Lori Witzel, Docket Coordinator
Celia Griffin, Acting Supervising Management Analyst
Nora Nugent, Supervising Management Analyst
EOC Contract Compliance Officers

000715



CITY OF SAN DIEGO

**WESTERN PACIFIC BEACH MAINTENANCE ASSESSMENT
DISTRICT**

ENGINEER'S REPORT

MAY 2008

PURSUANT TO THE SAN DIEGO MAINTENANCE ASSESSMENT DISTRICT
ORDINANCE OF THE SAN DIEGO MUNICIPAL CODE
AND
LANDSCAPING AND LIGHTING ACT OF 1972, CALIFORNIA STREETS AND
HIGHWAY CODE

ENGINEER OF WORK:

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SUMMARY

PROJECT: PROPOSED WESTERN PACIFIC BEACH MAINTENANCE ASSESSMENT DISTRICT

OVERVIEW:

Benefit assessments are levies on real property to fund services and public improvements that benefit the properties paying the assessments. Benefit assessments are widely used throughout California to fund a wide variety of important services and projects, including landscaping, lighting, parks, sidewalks, roads, utility infrastructure and public safety services.

Property owners in many areas of the City of San Diego have recognized that additional services to improve and maintain public facilities in their area would specifically benefit their properties. Consequently many property owners in the City have joined together to propose specific services and improvements to be funded by a benefit assessment for their area. These benefit assessments, which have ultimately been approved in a ballot proceeding by the affected property owners, are currently serving to improve the desirability, cleanliness and economic vitality of specific neighborhoods and areas throughout the City.

Property owners in the Western Pacific Beach area of the City of San Diego have similarly organized to propose a benefit assessment to provide a local, ongoing funding source for services and improvements in the area to include enhanced cleaning, debris removal and maintenance of public resources. This Engineer's Report describes the Western Pacific Beach Maintenance Assessment District (the "District") and the services and improvements that would be funded by the assessment.

SERVICES/IMPROVEMENTS FUNDED:

The District will fund and provide the following improvements/maintenance services:

- Cleaning and Maintenance
 - Litter Abatement
 - Emptying of private and city trash receptacles
 - Sidewalk power washing
 - Landscape maintenance
 - Large debris removal
 - Large item pickup
 - Removal of public health and sanitation hazards
 - Graffiti removal
 - Trip hazards reporting

- Protection Services
 - Safety Ambassadors
 - Off Duty Officers
- Special Projects

OVERVIEW OF PROPOSED BENEFIT ASSESSMENTS

Apportionment Method: Linear Frontage Feet (LFF) and Single Family Equivalent Benefit Units (SFE) ¹
 Benefit Zone A, Zone B and Zone C

FIGURE 1 - ASSESSMENT SUMMARY

	Zone A	Zone B	Zone C	Totals
<u>Total Parcels Assessed</u>	446	406	1317	2169
<u>Measure Quantities</u>				
SFE	1340.88	3,130.92	2,678.96	7150.75
LFF	25,728.39	26,657.21	25,956.30	78,341.90
<u>Unit Assessment Rates</u>				
\$/SFE	\$35.47	\$33.63	\$75.76	\$144.86
\$/LFF	\$0.62	\$1.32	\$2.61	\$4.54
<u>Estimated Assessment</u>				% of Total
SFE Revenue	\$47,562.76	\$105,303.50	\$202,953.44	75%
LFF Revenue	\$15,854.25	\$35,101.17	\$67,651.15	25%

Annual Cost Indexing: If the assessments are approved, in future years the maximum authorized assessment rate may increase by up to 5% per year, and the assessments can be levied at any rate, up to the maximum authorized assessment rate. In addition the assessment for any property may change, up or down, if the total building area for the parcel increases or decreases, or the parcel classification and usage changes.

Bonds: No bonds will be issued in connection with this District.

¹ SFE benefit units are based on residential units, building area and lot area for trip generation factors.

District Formation: The District and assessments are proposed and require property owner approval in an assessment ballot proceeding. Formation proceedings are scheduled to be staged in 2008. By a ballot proceeding, a majority of property owners (greater than 50% of the weighted vote of returned ballots) must approve the District establishment and maximum authorized assessments, and provisions for annual cost indexing.

OVERSIGHT:

If the proposed assessments are approved, the assessments and the provision of services and improvements funded by the assessments will be overseen by the City of San Diego and will be managed by local property owners in the District. The City will receive the assessment funds from the County Tax Collector and will distribute assessment funds to the Pacific Beach Community Development Corporation (the Corporation). The Corporation, which is a 501(c)3 non-profit organization, will directly manage and oversee the provision of services and improvements funded by the assessments if approved by the majority of property owners.

The Corporation is managed by a Board of Directors and its' mission is; "To promote and revitalize the Pacific Beach community physically and economically."

The board meets on the first Tuesday of each month at 12 noon to hear updates from four standing committees; Organization, Design, Promotion and Economic Restructuring and vote on action items.

All meetings are open to the public and are held at the Corporation office at 1503 Garnet Avenue. Please call first to confirm meeting date and time, 858-273-3303.

LOCATION:

The District is generally described as the Western Pacific Beach area. The location of the District is depicted on the map and Assessment Diagram within this Report.

INTRODUCTION

In Fiscal Year 2007-08, the City of San Diego received survey results from property owners in the Western Pacific Beach in support of a new assessment district to fund the maintenance, improvement and servicing of landscaping, sidewalk sweeping, sidewalk power washing, trash removal and graffiti abatement. The Proposed District is located in the Pacific Beach Community Planning Area situated along Chalcedony and Felspar Streets on the north, Gresham Street to the east, and Thomas Street borders the district to the south. To the West the assessment district is bounded by Ocean Blvd. This proposed new assessment district was named the "Western Pacific Beach Maintenance Assessment District" (the "District").

The City of San Diego will be conducting formation proceedings for the proposed Western Pacific Beach Maintenance Assessment District in 2008 that will allow property owners in the District to ultimately decide if the proposed assessments should be levied and the services and improvements they would fund should be provided. If, following a favorable weighted majority Proposition 218 balloting procedure, and an affirmative vote of the City Council of the City of San Diego (the "City"), the District would be established with funding beginning in Fiscal Year 2008-09.

The purpose of the District is to provide funding for:

- Litter Abatement
- Enhanced trash receptacles
- Trash removal
- Large trash removal
- Graffiti Abatement
- Power Washing of sidewalks
- Sidewalk sweeping
- Security service
- Tree trimming
- Landscape maintenance
- Amenity maintenance/repair
- Trail maintenance

The District has been structured around this priority of improvements and maintenance services.

This Engineer's Report was prepared to provide a framework and requirements for the proposed assessments, to establish the budget for the services that would be funded by the proposed assessments, to summarize the benefits received by property in the District from the services and improvements funded by the assessments and to establish the method of assessment apportionment of the assessment to lots and parcels in the District. This Report and the proposed assessments have been made pursuant to provisions of the San Diego Maintenance Assessment District Procedural Ordinance of 1986 (the "Ordinance"), provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (the "Act") and Article XIID of the California Constitution (the "Article").

The proposed assessments are subject to an annual increase in the maximum authorized assessment rate not to exceed 5% per year.

Upon preliminary approval of this report by the City Council, this report will be filed with the City Clerk, a time and place for a public hearing will be set and the mailing of notices and ballots to all property owners in the proposed District will be requested. After this Council action, the notices and ballots will be prepared and mailed. A minimum 45-day period must be provided for the return of the ballots prior to the public hearing which will conclude the balloting period.

A public hearing will be scheduled where public testimony will be heard by the City Council. The public hearing will include presentation and consideration of this report, hearing of public testimony, and recordation of affirmative and protest votes. After conclusion of the public hearing, a tabulation of affirmative and protest votes will be declared.

If a majority of ballots cast by parcel owners, weighted in accordance with the proposed District assessment for each parcel, are affirmative, the City Council may, at its discretion, *proceed to confirm the new assessments and order the assessments to be levied as proposed in this Report.* If the assessments are so confirmed and levied, they will be submitted to the County Auditor and will provide funding for the services and improvements described in this Report.

PLANS & SPECIFICATIONS

The proposed Western Pacific Beach Maintenance Assessment District (the "District") would fund improvements to the appearance, identity, continuity, sense of place, economic vitality, desirability, and aesthetic appeal of property in the District. The District area is located just north of Mission Bay Park and south of Chalcedony Street. The work and improvements proposed to be undertaken by the District and the cost thereof paid from the levy of the annual assessment provide special benefit to Assessor Parcels within the District as defined in the Method of Assessment herein. Consistent with the Maintenance Assessment District Ordinance of the City of San Diego the services and improvements are generally described as follows:

Installation, maintenance and servicing of public improvements and incidental expenses, including but not limited to landscaping, sprinkler systems, shrubs and trees, sidewalks, gutters, water, street lighting, signage and materials, supplies, utilities and equipment, as applicable, for property within the District, and any incidental costs thereto (collectively, the "Services"). Any plans and specifications for these improvements will be filed with the Project Manager of the City of San Diego, City Planning and Community Investment Department (the "Project Manager") and are incorporated herein by reference.

As applied herein, "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of any improvement, including repair, removal or replacement of all or any part of any improvement; providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, collection and disposal of fallen branches and trees, tree and bush trimming, fertilizing, or treating for disease or injury; the removal of trimmings, rubbish, debris, and other solid waste, ongoing inspection and repairs and labor, sidewalk and gutter cleaning and sweeping, placement of street furniture, banner installation, security services, including homeless patrolling and reporting of security and safety problems to governmental agencies, and the cleaning, sandblasting, and painting of walls, and other improvements to remove or cover graffiti.

"Servicing" means the furnishing of electric current, or energy, gas or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements; or water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

"Incidental expenses" include all of the following: (a) The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment; (b) the costs of printing, advertising, and the giving of published, posted, and mailed notices; (c) compensation payable to the County for collection of assessments; (d) compensation of any engineer or attorney employed to render services in proceedings pursuant to this part; (e) any other expenses incidental to the construction, installation, or maintenance and servicing of the Improvements; (f) any expenses incidental to the issuance of bonds or notes pursuant to Section 22662.5 of the Streets and Highways Code; and (g) costs associated with any elections or ballot procedures held for the approval of a new or increased assessment.

FISCAL YEAR 2008-09 ESTIMATE OF COST AND BUDGET

FIGURE 2 - ESTIMATE OF COSTS FOR FISCAL YEAR 2008-09

	FY 08-09 PROPOSED
BEGINNING BALANCE	\$0
Revenue	
Assessments	\$474,426.26
Interest	\$0
TOTAL OPERATING REVENUE	\$474,426.26
TOTAL REVENUE AND BALANCE	\$474,426.26
Activities and Services Expense	
General Operations	\$47,312.58
Protection	\$136,340.00
Maintenance	\$151,104.00
Special Projects Fund	\$60,000.00
Incidentals	
City Administration ¹	\$18,977.05
District Management	\$47,442.63
Subtotal Activities and Services Expenses	\$461,176.26
One Time Costs	
Balloting and Formation Costs ²	\$13,250.00
TOTAL EXPENSE	\$474,426.26
BALANCE	\$0

Notes:

¹ Includes 4% City Administration Fee, which is for administrative services including calculating and enrolling assessments with the County Assessor's Office; providing direct management support and advocacy; district budget input and review; analyzing and updating budgets; processing reimbursements; issuing manual billings; providing information technology and communication support; and providing professional support from the City Attorney's Office, City Auditor and Comptroller's Office, and City Purchasing Agent. Administration responsibilities may also include meeting with property owners to explain how assessments are calculated and expended; and responding to numerous other property owner/citizen inquiries each month.

² One-time costs are costs that would be incurred in the first fiscal year only.

In future years, assessment funds not needed for one time costs will be available to fund activities and services within this report.

FIGURE 3 – DETAIL OF COSTS FOR FISCAL YEAR 2008-2009

General Operations		
Rent		\$ 16,412.58
Utilities		2,400.00
Insurance Riders		12,000.00
Office Supplies		3,000.00
Accounting		3,500.00
Telephone		2,400.00
Communication		3,600.00
Contingency		4,000.00
Subtotal		47,312.58
Protection		
Uniforms, Radios, Bicycles		3,700.00
Off Duty Officers**		68,640.00
Ambassadors**		64,000.00
Subtotal		136,340.00
Maintenance		
Supervisor		43,000.00
Maintenance personnel		77,000.00
Uniforms		1,200.00
Equipment		3,500.00
General Supplies		6,000.00
Waste Disposal		6,000.00
Steam Cleaners Lease*		6,680.00
Truck		6,124.00
Insurance		1,600.00
Subtotal		151,104.00
Special Projects Fund		60,000.00
Total Cleaning & Safety		394,756.58
Balloting and Engineer's Report		13,250.00
Distict Management (10% of Assessment)		47,442.63
City Administration (4% of Assessment)		18,977.05
Total		\$ 474,426.26

METHOD OF APPORTIONMENT

This section of the Engineer's Report includes an explanation of the benefits derived from the maintenance, services and improvements provided by the District and the methodology used to apportion the total assessment to properties within the District.

The method used for apportioning the assessment is based upon the proportional special benefits to be derived by the properties in the District, over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two step process: the first step is to identify the types of special benefit arising from the improvements, and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

DISCUSSION OF BENEFIT

In summary, the assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's use of the District's setback landscaping or a property owner's specific demographic status. With reference to the requirements for assessments, Section 22573 of the Landscaping and Lighting Act of 1972 states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."

Proposition 218, as codified in Article XIID of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

The following benefit categories summarize the types of special benefit to residential, commercial, industrial and other lots and parcels resulting from the maintenance, services and improvements to be provided with the assessment proceeds. These categories of special benefit are derived from the statutes passed by the California Legislature and other studies which describe the types of special benefit received by property from services and improvements such as those proposed by the City of San Diego Western Pacific Beach

Maintenance Assessment District. These types of special benefit are summarized as follows:

- Enhanced visual aesthetics of the commercial business district.
- Increased economic opportunity.
- Creating a sense of community identity and pride.
- Enhanced quality of life and desirability of the area.
- Enhanced safety and utility of property.
- Enhanced image for properties in the District.
- Specific enhancement of property values.

These benefit factors, when applied to property in the District, specifically increase the utility and value of the land within the District. In addition, the maintenance services funded by the assessments enhance safety and security of customers, residents and guests, which specifically enhance the value of the properties in the District and is a special benefit to properties in the District from the assessments that is not received by other properties outside of the District.

SERVICE FREQUENCIES BY BENEFIT ZONE

Figure 4 details the enhanced levels of services by Benefit Zone that would be provided by the assessments.

FIGURE 4 - SERVICES BY BENEFIT ZONE

Service Provided:	Zone A Base Services	Zone B Base Services + Security Service Level 1	Zone C Base Services + Security Service Level 2
Litter Abatement	five days / week	five days / week	five days / week
Private and city trash receptacles	five days / week	five days / week	five days / week
Large debris removal	Weekly	Weekly	Weekly
Graffiti will be reported or removed	Weekly	Weekly	Weekly
Power washing of sidewalks		One block/ week throughout Zone	One block/ week throughout Zone
Landscape Maintenance	Weekly	Weekly	Weekly
Trip hazards reporting	Weekly	Weekly	Weekly
security guard "ambassadors" provide security and safety services			*Tuesday through Thursday between 10am and 5pm
Two teams of two off duty officers		*Friday and Saturday nights from 11pm through 3am	
Special Project Fund	Replace existing MAD elements such as trash receptacles, street lights, trees, gardens	Replace existing MAD elements such as trash receptacles, street lights, trees, gardens	Replace existing MAD elements such as trash receptacles, street lights, trees, gardens

* Times and dates may vary with the discretion of property owners. However, services will remain constant

GENERAL VERSUS SPECIAL BENEFIT

The proceeds from the District will be used to fund the installation, maintenance and servicing of improvements within the District that, in absence of the assessments, otherwise would not be provided. Properties in the District directly and specifically benefit from the Services, while properties outside the District do not receive the benefit of the Services funded by the District. The assessments provide special benefit to properties in the District. Therefore, the Services funded by the District are determined to be exclusively of distinct and special benefit to properties in the District. The State Legislature has made a similar finding as shown previously: "Assessments levied for the purpose of providing improvements and promoting activities that benefit real property or businesses are not taxes for the general benefit of a city, but are assessments for the improvements and activities which confer special benefits upon the real property or businesses for which the improvements and activities are provided."

The City provides properties in the District with services, resources and contributions including, but not limited to street sweeping, roadway and storm drain improvement and maintenance, regular trash removal, graffiti removal, parks maintenance and improvement, street lighting, and security, traffic controls and public signage, street medians, public safety and other public services and improvements. Many of these City Services are considered to be incremental services for which the City could charge additional fees or could choose to provide at a reduced level. These City Services and contributions are considered to be a contribution towards property in the District and towards any potential general benefits from the Services.

In summary, the Services funded by the District are determined to be of special benefit to properties in the District. Any general benefits from the Services are determined to be minimal and are more than offset by the significant other contributions the City provides to property in the District.

ZONES OF BENEFIT

Services and improvements funded by the assessments will be provided at different levels and frequencies as outlined in Figure 4. Therefore, three zones of benefit, Zone A, Zone B and Zone C are established within the District.

ASSESSMENT APPORTIONMENT

In preparing the Assessment Engineer's Report for the District, the Engineers concluded that the special benefit to each parcel are related to the linear street frontage of each parcel, the property type, the trip generation factors from each property, plus the area of the parcel and/or the square footage of the improvements constructed upon the parcel.

The special benefits derived from the Services funded by the assessments are conferred on property and are not based on a specific property owner's use and/or enjoyment of the Services. However, it is ultimately people who value the special benefits described in this Report. Further, it is ultimately people who control property values by placing a value on the special benefits from the Services. In other words, the benefits conferred to property are related to the average number of people who could potentially live on, work at, or otherwise could use a property, not how the property is currently used by the present owner. Therefore, the number of people who could or potentially live on, work at or otherwise use a property is an indicator of the relative level of special benefit received by a property. Building size/parcel area, property type and linear frontage are directly correlated with the population density and current or potential usage of property. Therefore, the Services are reasonably related to building size, property type and linear frontage because these factors reflect the relative population density and intensity of use of properties and the Services.

Since building size/parcel area, property type and linear frontage are good determinates of relative benefit to property, and since the population density in the Western Pacific Beach area (and height of buildings) is average for an urbanized area, a 75/25 split of the assessments based on property's single family equivalent benefit units (SFE) versus linear frontage is deemed to be reasonable. Therefore, 75% of the assessments are allocated based on SFE and 25% are allocated based on street frontage.

This apportionment of costs recognizes the relationship between the amount of maintenance work required on those parcels with large frontages and/or larger building area as well as the intensity of use as determined by property type relative to smaller frontages, smaller building area, and a lesser intensity of use and therefore levies a proportionally greater assessment on those parcels with a greater frontage or building area or intensity of use than on parcels with a lesser frontage or area or intensity of use. Recognizing the impacts which those parcels with extensive improvements (and higher occupancy/use) place on the District, undeveloped and vacant parcels area assigned a SFE benefit unit of one.

We find that this apportionment approach reasonably allocates the assessments based on the special benefit received by each parcel. Therefore, assessments have been apportioned to each benefiting parcel within each zone utilizing an assessment apportionment methodology as described above. The assessments and cost of Services are allocated based on the following schedule:

- Twenty-five percent (25%) of the total amount assessed apportioned to each parcel within a zone is based upon linear feet of street frontage; and
- Seventy-five percent (75%) of the total amount assessed spread to each parcel within a zone is based upon the parcel's single family equivalent benefit factor.

This apportionment of costs recognizes the relationship between the amount of maintenance work required on those parcels with large frontages, and therefore levies a proportionally greater assessment on those parcels with a greater frontage than on parcels with a lesser frontage.

Similarly, recognizing the impacts which those parcels with greater intensity of use and extensive improvements place on the district, a portion of the assessment has based upon a SFE benefit unit, since those parcels with a greater intensity of use and extensive improvements receive a greater benefit from the enhanced maintenance services funded by the assessment.

In order to establish the benefits and assessments, each property is assigned a single family equivalent benefit factor (SFE) and a Linear Frontage factor (LFF). The LFF factor is the linear frontage in feet along the property that borders streets and roads to receive Services from the assessments. The SFE factor for each single Family home is 1, and other property's SFEs are based upon the relative intensity of use (trip factors) in relation to a single family home, number of multi-family units and commercial building size. SFE benefit units are assigned as outlined in Figure 5.

FIGURE 5 – SFE FACTORS (SINGLE FAMILY EQUIVALENT BENEFIT UNITS)

SFE Factors (Single Family Equivalent Benefit Units)		
	Trips	SFE
SFR	10	1.0
MFR SFEs per unit	7	0.7
Condo	7	0.7
Commercial SFEs per Square Foot		0.0032
Vacant Properties, Churches and Parking Lots		1.0

An assessment has been levied upon each publicly owned parcel in the same manner as privately owned property. Each publicly owned parcel, except parks or designated open space area, has been assessed on the same basis as other parcels within the District.

ANNUAL COST INDEXING

The assessments are subject to an annual increase not to exceed 5% per year. The maximum authorized assessment rate is defined as the assessment rate in the first fiscal year the assessments are effective, increased by 5% per year in each subsequent fiscal year. Such annual cost indexing allows for increases in the assessment rate to account for normal maintenance and operating cost escalation without incurring the costs of additional Proposition 218 ballot proceedings. It should be noted that the assessments in a future year can be levied at any rate below or up to the maximum authorized assessment rate. However, any significant change in the assessment initiated by an increase in service provided or other significant changes to the District that causes the assessments to increase by more than the maximum authorized assessment rate would still require the Proposition 218 proceedings and property owner approval.

ASSESSMENT

WHEREAS, the City of San Diego, County of San Diego, California, pursuant to the provisions of the Ordinance, the Act and the Article directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the assessment district and an assessment of the estimated costs of the Services upon all assessable parcels within the assessment district, to which Resolution and the description of said proposed Services therein contained, reference is hereby made for further particulars;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Ordinance, Act and Article, hereby make the following assessment to cover the portion of the estimated cost of said Services, and the costs and expenses incidental thereto to be paid by the assessment district.

The amount to be paid for said Services and the expense incidental thereto by the Western Pacific Beach Maintenance Assessment District for the fiscal year 2008-09 is \$474,426.

As required by the Act, Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Western Pacific Beach Maintenance Assessment District. The distinctive number of each parcel or lot of land in the District is its Assessor Parcel Number appearing on the Assessment Roll.

And I do hereby assess and apportion said net amount of the cost and expenses of said Services, including the costs and expenses incident thereto, upon the parcels and lots of land within said District, in accordance with the special benefits to be received by each parcel or lot, from the Services, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessments are subject to an annual adjustment not to exceed 5% per year. The maximum authorized assessment rate is defined as the initial fiscal year 2008-09 assessment rate increased in future fiscal years by 5% per year. In the event that the assessments are levied at a rate below the maximum authorized assessment rate, the assessments can be increased in future years up to the maximum authorized assessment rate without any additional assessment ballot proceeding.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of San Diego for the fiscal year 2008-09. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

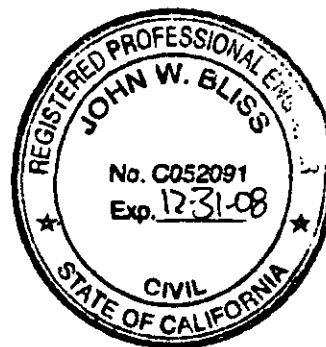
I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Rolls, the amount of the assessment for the fiscal year 2008-09 for each parcel or lot of land within the said Western Pacific Beach Maintenance Assessment District.

Dated: May 1, 2008

Engineer of Work

By

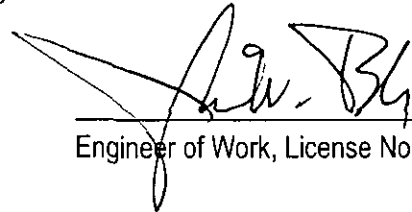
John W. Bliss, License No. C052091



000737

CERTIFICATES

1. The undersigned respectfully submits the enclosed Engineer's Report and does hereby certify that this Engineer's Report, and the Assessment and Assessment Diagram herein, have been prepared by me in accordance with the order of the City Council of the City of San Diego.



Engineer of Work, License No. C052091

2. I, the Clerk of the City Council, City of San Diego, County of San Diego, California, hereby certify that the enclosed Engineer's Report, together with the Assessment and Assessment Diagram thereto attached, was filed and recorded with me on _____, 2008.

Clerk of the City Council

3. I, the Clerk of the City Council, City of San Diego, County of San Diego, California, hereby certify that the Assessment in this Engineer's Report was approved and confirmed by the City Council on _____, 2008, by Resolution No. _____.

Clerk of the City Council

4. I, the Clerk of the City Council of the City of San Diego, County of San Diego, California, hereby certify that a copy of the Assessment and Assessment Diagram was filed in the office of the County Auditor of the County of San Diego, California, on _____, 2008.

Clerk of the City Council

APPEALS AND INTERPRETATION

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the Project Manager of the City of San Diego, City Planning and Community Investment Department or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the Project Manager or his or her designee will promptly review the appeal and any information provided by the property owner. If the Project Manager or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the Project Manager or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any property owner, who disagrees with the decision of the Project Manager or her or his designee, may refer their appeal to the City Council of the City of San Diego and the decision of the City Council of the City of San Diego shall be final.

ASSESSMENT DIAGRAM

The boundaries of the Western Pacific Beach Maintenance Assessment District are displayed on the following Assessment Diagram.

000740

FILED IN THE OFFICE OF THE CITY CLERK OF THE
CITY OF SAN DIEGO, COUNTY OF SAN DIEGO,
CALIFORNIA,
THIS ____ DAY OF _____, 2008.

CITY CLERK

RECORDED IN THE OFFICE OF THE CITY CLERK
OF THE CITY OF SAN DIEGO, COUNTY OF
SAN DIEGO, CALIFORNIA, THIS ____ DAY OF
_____, 2008.

CITY CLERK

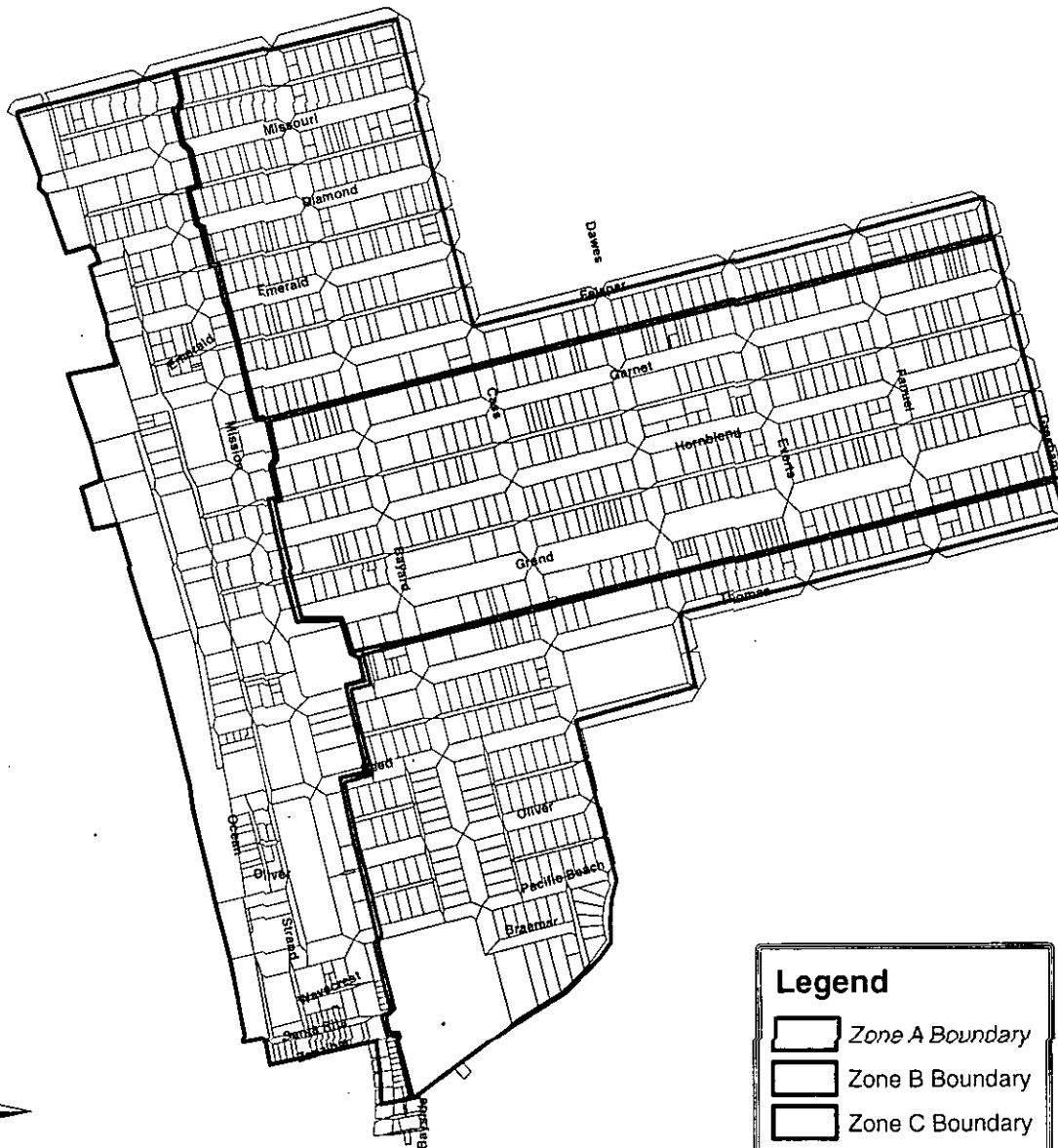
AN ASSESSMENT WAS CONFIRMED AND LEVIED
BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO,
ON THE LOTS, PIECES AND PARCELS OF LAND ON
THIS ASSESSMENT DIAGRAM ON THE ____
DAY OF _____, 2008
FOR THE FISCAL YEAR 2008-09 AND SAID
ASSESSMENT DIAGRAM AND THE
ASSESSMENT ROLL FOR SAID FISCAL YEAR WERE
FILED IN THE OFFICE OF THE COUNTY AUDITOR OF
THE COUNTY OF SAN DIEGO ON THE ____ DAY OF
_____, 2008. REFERENCE IS HEREBY
MADE TO SAID RECORDED ASSESSMENT ROLL
FOR THE EXACT AMOUNT OF EACH ASSESSMENT
LEVIED AGAINST EACH PARCEL OF LAND.

CITY CLERK

FILED THIS ____ DAY OF _____, 2008 AT
THE HOUR OF ____ O'CLOCK ____ M. IN THE
OFFICE OF THE COUNTY AUDITOR OF THE COUNTY
OF SAN DIEGO, STATE OF CALIFORNIA, AT THE
REQUEST OF THE BOARD OF SUPERVISORS OF THE
CITY OF SAN DIEGO CITY COUNCIL.

COUNTY AUDITOR, COUNTY OF SAN DIEGO

Note:
REFERENCE IS HEREBY MADE TO THE MAPS AND DEEDS
OF RECORD IN THE OFFICE OF THE ASSESSOR OF THE
COUNTY OF SAN DIEGO FOR A DETAILED DESCRIPTION
OF THE LINES AND DIMENSIONS OF ANY PARCEL SHOWN
HEREIN. THOSE MAPS SHALL GOVERN FOR ALL DETAILS
CONCERNING THE LINES AND DIMENSIONS OF SUCH
PARCELS. EACH PARCEL IS IDENTIFIED IN SAID MAPS BY
ITS DISTINCTIVE ASSESSOR'S PARCEL NUMBER.



Zone A Boundary

Zone B Boundary

Zone C Boundary

CITY OF SAN DIEGO
WEST PACIFIC BEACH MAINTENANCE DISTRICT
ASSESSMENT DIAGRAM

APPENDICES

Appendix A – Assessment Roll

APPENDIX A – ASSESSMENT ROLL, FY 2008-09

The Assessment Roll (a listing of all parcels assessed within the Western Pacific Beach Maintenance Assessment District and the amount of the assessment) is filed with the Project Manager and is, by reference, made part of this report and is available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference made part of this report. These records shall govern for all details concerning the description of the lots or parcels.

000743		REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO		1. CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY) <div style="text-align: right;">110</div>			
TO: CITY ATTORNEY		2. FROM (ORIGINATING DEPARTMENT): City Planning & Community Investment		3. DATE: April 21, 2008			
4. SUBJECT: Western Pacific Beach Maintenance Assessment District							
5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.) Luis E. Ojeda, x66475, MS 56D		6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.) Scott Kessler, x66405, MS 56D		7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input checked="" type="checkbox"/>			
8. COMPLETE FOR ACCOUNTING PURPOSES							
FUND				9. ADDITIONAL INFORMATION / ESTIMATED COST:			
DEPT.				If approved by the benefitting property owners, approximately \$474,426.26 will be assessed and collected in the Western Pacific Beach Maintenance Assessment District in FY 2009. The annual assessment for City owned property will be \$24,636.			
ORGANIZATION							
OBJECT ACCOUNT							
JOB ORDER							
C.I.P. NUMBER							
AMOUNT							
10. ROUTING AND APPROVALS							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	DEPUTY DIRECTOR ECONOMIC DEV.	SCOTT KESSLER <i>[Signature]</i>	4/29/08	8	DEPUTY CHIEF	WILLIAM ANDERSON <i>[Signature]</i>	4/29/08
2	DEPARTMENT DIRECTOR	WILLIAM ANDERSON <i>[Signature]</i>	4/29/08	9	COO	JAY GOLDSTONE <i>[Signature]</i>	5/6/08
3	EAS	Allison Greenwood <i>[Signature]</i>	4/30/08	10	CITY ATTORNEY	KIMBERLY K. HARRIS <i>[Signature]</i>	5/7/08
4	EOCP	WAIVER-6/18/02		11	ORIG. DEPT	LUIS OJEDA <i>[Signature]</i>	5/7/08
5	LIASON OFFICE	ED PLANK <i>[Signature]</i>	5/1/08	DOCKET COORD: <i>[Signature]</i> COUNCIL LIAISON: <i>[Signature]</i>			
6	FINANCIAL MGT	AUTHORIZED SIGNER <i>[Signature]</i>	5/2/08	COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/>			
7	AUDITOR	FERNANDA FIGUEROA <i>[Signature]</i>	5/2/08	<input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____			
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTIONS <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)							
1) Proposing the formation of the Western Pacific Beach Maintenance Assessment District; and Preliminarily approving the Engineer Report; and 2) Authorizing the intention to levy and collect assessments for Fiscal Year 2009, establish the maximum authorized assessments, and set maximum assessment indexed annually to the San Diego Regional Consumer Price Index-Urban (CPI-U) not to exceed 5%; and							
11A. STAFF RECOMMENDATIONS: Approve the Resolutions.							
12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.) <u>COUNCIL DISTRICT(S):</u> 2 <u>COMMUNITY AREA(S):</u> PACIFIC BEACH <u>ENVIRONMENTAL IMPACT:</u> THIS ACTIVITY IS NOT A PROJECT AND THEREFORE NOT SUBJECT TO CEQA PURSUANT TO THE STATE CEQA GUIDELINES SECTION 15060(C)(3) <u>HOUSING IMPACT:</u> NONE <u>OTHER ISSUES:</u> NONE <u>CITY CLERK INSTRUCTION:</u> PLEASE SCHEDULE THE PUBLIC HEARING ON 0 / /2008 WHICH, IN ACCORDANCE WITH STATE LAW, IS MORE THAN 45 DAYS AFTER THE BALLOTS ARE MAILED. ALSO PLEASE SEND COPIES OF THE RESOLUTION(S) TO LUIS E. OJEDA, MS# 56D							

000744

- 3) Authorizing the mailing of ballots to all property owners subject to assessment; and
- 4) Establish the time and place for a public hearing to count ballots; and

UPON AFFIRMATION FINDINGS AT THE PUBLIC HEARING ON _____, 2008

- 5) Authorize the consideration of protests, ordering the formation of the District, approve the Assessment Engineer's Report, confirm assessments, and order the improvements, maintenance, and/or services. Adopt the annual budget for the District in Fiscal Year 2009.
- 6) Approving the annual budget for the Western Pacific Beach Maintenance Assessment District in Fiscal Year 2009.
- 7) Authorize the City Auditor and Comptroller to establish an interest-bearing fund for the District.
- 8) If a weighted majority of returned ballots opened following the public hearing select the Pacific Beach Community Development Corporation, a non-profit Section 501(c)(3) organization, to administer the contracts for goods and services, authorize the Mayor or his designee to negotiate a contract with the Pacific Beach Community Development Corporation pursuant to Municipal Code § 65.0212-65.0214.

DATE REPORT ISSUED: APRIL 21, 2008

ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: City Planning and Community Investment
SUBJECT: Western Pacific Beach Maintenance Assessment District
COUNCIL DISTRICT(S): 2
STAFF CONTACT: Luis Ojeda (x66475) / Scott Kessler (x66405)

REQUESTED ACTION:

The City Council is being asked to authorize the following actions by resolution:

1. Propose the formation of the Western Pacific Beach Maintenance Assessment District; and Preliminarily approving the Engineer Report.
2. Authorize the intention to levy and collect assessments for Fiscal Year 2009, establish the maximum authorized assessments, and set maximum assessment indexed annually to the San Diego Regional Consumer Price Index-Urban (CPI-U) not to exceed 5%.
3. Authorize the mailing of ballots to all property owners subject to assessment.
4. Establish the time and place for a public hearing to count ballots; and

Upon affirmative findings at the public hearing on , 2008

5. Authorize the consideration of protests, ordering the formation of the District, approve the Assessment Engineer's Report, confirm assessments, and order the improvements, maintenance, and/or services.
6. Approving the annual budget for the Western Pacific Beach Maintenance Assessment District in Fiscal Year 2009.
7. Authorize the City Auditor and Comptroller to establish an interest-bearing fund for the District.
8. If a weighted majority of returned ballots opened following the public hearing select the Pacific Beach Community Development Corporation, a non-profit Section 501(c)(3) organization, to administer the contracts for goods and services, authorize the Mayor or his designee to negotiate a contract with the Pacific Beach Community Development Corporation pursuant to Municipal Code § 65.0212-65.0214.

STAFF RECOMMENDATION:

Approve the requested actions listed above.

EXECUTIVE SUMMARY:

Efforts to form a Maintenance Assessment District (MAD) in the Pacific Beach community began in 2005. A variety of business owners on Mission Blvd. were seeking solutions to persistent problems on the beach including crumbling infrastructure, trash, homeless issues, and crime. In response, the Pacific Beach Community Development Corporation (Corporation) formed a Business Vision Committee whose task was to begin implementation of programs that would have a window of impact over a long term period between ten and fifteen years. This committee held a variety of informational meetings and developed several long term plans. These included the development of a Western Pacific Beach MAD, an Eastern Pacific Beach MAD, and a comprehensive parking strategy. As many of the committee meetings were attended by hoteliers, who had voiced their concerns clearly, a priority was given to the development of the Western Pacific Beach MAD.

A series of surveys were completed and distributed in the fall of 2005 and early 2006. The surveys sought to indicate who might be interested in the idea of a MAD, what services might be provided, how much owners might be interested in contributing, and finally who would support a MAD. The surveys results were positive in a variety of ways. An overwhelming majority of property owners that submitted responses to the survey indicated support for the idea of paying for cleaning and security services. Property owners and residents indicated to the Corporation that they supported forming a MAD to fund services to make Pacific Beach more appealing to tourists and locals and to make it safer. There was an even mix of those who sought cleaning services and security services. A broad

group supported the idea of a capital maintenance program that would provide for repair of infrastructure that was commonly neglected. The Corporation's outreach efforts included: 1) two mailed surveys to property owners and one hand delivered survey to business owners, 2) a public forum for larger stakeholders within the district held in January 2008 followed by a presentation to the Pacific Beach Planning Committee on 01/23/2008, 3) a mailer to all property owners and business owners in the April of 2008, 4) personal visits and telephone calls with property owners throughout fall of 2007 and spring 2008; and 4) a community forum is planned for June 2008. Additional public outreach was made by Corporation's Board and staff including regular updates before the Pacific Beach Town Council. Information was regularly included in the Pacific Beach Business newsletter PB Business Wave which was distributed to 1300 businesses. Additional community meetings and informational mailings will be made by the Pacific Beach CDC over the coming months to contact each and every property owner prior to and during the public balloting period.

City staff has retained SCI Consulting Group to prepare an Engineer's Report for the requested District. This report summarizes the proposed district, describes requested services / associated costs, provides an assessment diagram and apportions property owner assessments based on the level of benefit received. District proponents had the opportunity to review and comment on the Engineer's Report. The City Council is being asked to authorize the eight (8) requested actions cited above, with authorizations for actions 5 through 8 contingent upon affirmative findings at the public hearing. If the City Council approves the requested actions, ballots describing the proposed district and the associated assessments will be mailed to all property owners of record within the proposed district boundaries. Property owners can mail or deliver the ballots to the City Clerk. Interested parties may comment at the public hearing regarding the proposed District. Ballots will be counted at the conclusion of the hearing. If a majority of property owners support formation of the District in accordance with State law, the City Council has the discretion to establish the District and levy assessments beginning in Fiscal Year 2009 as described in the Assessment Engineer's Report.

FISCAL CONSIDERATIONS:

The annual assessment for City owned property will be \$24,636. Approximately \$474,426.26 will be assessed and collected in the Western Pacific Beach Maintenance Assessment District in FY 2009 ranging from \$3.63 to \$20,182 per parcel. The proposed assessments will fund an increased level of enhanced services within the District boundaries. If the District is approved by benefiting property owners, assessments will be levied and collected to fund the annual budget.

	<u>FY 08-09</u>	<u>Maximum Authorized</u>
REVENUES		
Assessments	\$474,426.26	\$474,426.26
Interest	\$0	\$0
TOTAL REVENUES	\$474,426.26	\$474,426.26
ACTIVITIES AND SERVICES EXPENSES		
General Operations	\$47,312.58	\$47,312.58
Protection	\$136,340.00	\$136,340.00
Maintenance	\$151,104.00	\$151,104.00
Special Projects	\$60,000.00	\$60,000.00
Incidentals		
City Administration	\$18,977.05	\$18,977.05
District Management	\$47,442.63	\$47,442.63
One Time Costs		
Balloting and Formation	\$13,250.00	\$13,250.00
TOTAL EXPENSES	\$474,426.26	\$474,426.26
BALANCE	\$0	\$0

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None 000747

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The outreach efforts include: 1) two mailed surveys to property owners and one hand delivered survey to business owners, 2) a public forum for larger stakeholders within the district held in January 2008 followed by a presentation to the Pacific Beach Planning Committee on 02/27/2008, 3) a mailer to all property owners and business owners in the April of 2008, 4) personal visits and telephone calls with property owners throughout fall of 2007 and spring 2008; and a community forum is planned for June 2008.

Additional public outreach was made by Corporation's Board and staff including regular updates before the Pacific Beach Town Council. Information was regularly included in the Pacific Beach Business newsletter PB Business Wave which was distributed to 1300 businesses. Additional community meetings and informational mailings will be made by the Pacific Beach CDC over the coming months to contact and each property owner prior to and during the public balloting period.

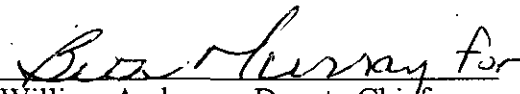
Upon preliminary approval of the Engineer's report by the City Council, notices / ballots will be prepared and mailed to all property owners of the District who will then ultimately vote whether or not they support the formation of the District. Property owners will also vote whether the Pacific Beach Community Development Corporation, a non-profit, Section 501(c)(3) organization, or the City should administer the contracts for goods and services for the District. If this action is approved, a public hearing will be scheduled where public testimony will be heard by the City Council.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Key stakeholders include the Pacific Beach business community, property owners and residents within the contemplated district. The Pacific Beach Community Development Corporation will manage the District if approved by property owner ballot.



Scott Kessler, Deputy Director
Economic Development Division



William Anderson, Deputy Chief
Land Use and Economic Development

000749

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO PRELIMINARILY APPROVING THE ENGINEER'S REPORT SUBMITTED IN CONNECTION WITH THE PROPOSED FORMATION OF THE WESTERN PACIFIC BEACH MAINTENANCE ASSESSMENT DISTRICT.

WHEREAS, the Landscape and Lighting Act of 1972 [the Act], codified at California Streets and Highways Code section 22500, *et seq.*, authorizes the creation of maintenance assessment districts pursuant to the terms thereof; and

WHEREAS, pursuant to the Act, the Council of the City of San Diego initiated proceedings to form the "Western Pacific Beach Maintenance Assessment District;" and

WHEREAS, pursuant to the Act, the Council of the City of San Diego ordered and an assessment engineer prepared and submitted a written report [the Report] on the "Western Pacific Beach Maintenance Assessment District;" and

WHEREAS, the Report conforms to the above-referenced authorities and has been duly considered by this Council; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Report submitted in connection with the "Western Pacific Beach Maintenance Assessment District," and filed in the office of the City Clerk as Document No. _____, is hereby preliminarily approved.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By  _____

Kimberly K. Harris
Deputy City Attorney

KKH:bas
05/07/08
Or.Dept: CP&CI
R-2008-1036
MMS #6221

000750

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO OF INTENTION TO FORM THE WESTERN PACIFIC BEACH MAINTENANCE ASSESSMENT DISTRICT AND TO LEVY AND COLLECT FISCAL YEAR 2009 ANNUAL ASSESSMENTS ON THE WESTERN PACIFIC BEACH MAINTENANCE ASSESSMENT DISTRICT.

WHEREAS, the Landscape and Lighting Act of 1972 [the Act], codified at California Streets and Highways Code section 22500, *et-seq.*, authorizes the creation of maintenance assessment districts pursuant to the terms thereof; and

WHEREAS, the Council of the City of San Diego has heretofore authorized the initiation of proceedings to form the Western Pacific Beach Maintenance Assessment District; and

WHEREAS, the Council of the City of San Diego has heretofore preliminarily approved the report of the engineers created and filed in connection with same; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego [Council] that the Council proposes and intends to order the formation of a maintenance assessment district to be designated the Western Pacific Beach Assessment District [District] pursuant to the Act.

BE IT FURTHER RESOLVED, that the Council proposes and intends to levy and collect assessments to pay a prescribed portion of the costs of future improvements, maintenance and/or services of those items described in the Engineer's Report for the Western Pacific Beach Maintenance Assessment District [Report], located within the boundaries of the District, in the City under the provisions of Article XIII, section D of the California Constitution and California Government Code sections 53739, 53750, 53753, 53753.5, and 54954.6 (collectively referred to herein as the [Law].)

000752

BE IT FURTHER RESOLVED, that the proposed improvements, maintenance and/or services for the District shall generally include landscaping maintenance, cleaning, graffiti removal, and safety improvement on public rights-of-way and sidewalks, trash removal, canyon beautification, and street light inspections, described more particularly in the Report.

BE IT FURTHER RESOLVED, that the District is described as all that real property in the City of San Diego, included within the exterior boundary lines of the map designated as the District [Map], filed in the office of the City Clerk under Document No. _____, excepting therefrom all public streets, roads, alleys, avenues and highways. Reference is hereby made to the Map for a full and detailed description of the improvements to be made, the boundaries of the District and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the District. The Report shall govern for all details as to the extent of the District.

BE IT FURTHER RESOLVED, that the cost and expense of the contemplated improvements, maintenance and/or services are made chargeable upon the District, and the Council declares that certain properties within the District as identified in the Report receive special benefit by the proposed improvements, maintenance and/or services.

BE IT FURTHER RESOLVED, that the City Council proposes to assess those properties within the District which receive a special benefit from the proposed improvements, maintenance and/or services for the total amount of costs of such improvements, maintenance and /or services to be provided in the District, plus the incidental expenses thereto, to be received by the individual parcels of real property within the District. The estimated expenses, revenues and reserves are as follows:

	FY 2009	Maximum Authorized
REVENUES		
Assessments	\$ 474,426.26	\$ 474,426.26
Interest	\$ 0.00	\$ 0.00
TOTAL OPERATING REVENUE	\$ 474,426.26	\$ 474,426.26
TOTAL REVENUE AND BALANCE	\$ 474,426.26	\$ 474,426.26
 ACTIVITIES AND SERVICE EXPENSES		
General Operations	\$ 47,312.58	\$ 47,312.58
Protection	\$ 136,340.00	\$ 136,340.00
Maintenance	\$ 151,104.00	\$ 151,104.00
Special Projects Fund	\$ 60,000.00	\$ 60,000.00
Incidentals		
City Administration	\$ 18,977.05	\$ 18,977.05
District Management	\$ 47,442.63	\$ 47,442.63
Subtotal Activities and Services Expenses	\$ 461,176.26	\$ 461,176.26
One Time Costs		
Balloting and Formation Costs	\$ 13,250.00	\$ 13,250.00
TOTAL EXPENSE	\$ 474,426.26	\$ 474,426.26
BALANCE	\$ 0.00	\$ 0.00

The Council may order a portion of the costs of improvements, maintenance and/or services to be paid by the City from appropriate funds. A statement of the proposed assessments levied against the several lots or parcels of land as shown on the map referred to above, will be on file in the office of the City Clerk, 202 C Street, Second Floor, San Diego, California, 92101.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to set a date for a public hearing for the proposed formation of the District, and levy of assessments at least forty-five days after the mailing of assessment ballots. Such hearing shall be held on _____,

2008, at __:00 __m. in the Council Chambers of the City Administration Building, 202 C Street, in the City of San Diego, California, and is the day, hour and place for the hearing when any person interested may object to the proposed improvements, maintenance and/or services or the proposed assessment. This hearing may be continued from time to time. Failure to make objections at the time of the hearing, or any continuance thereof, will be deemed to be a waiver of all objections and shall operate as a bar for any claim for damages. Such protest, if any, must be in writing and must contain a description of the property in which each signer thereof is interested, sufficient to identify the same and shall be delivered to and filed with the City Clerk at a time no later than prior to the conclusion of the public testimony on the proposed assessment at the hearing or continuance thereof. Persons desiring to make inquiries regarding these proceedings are hereby advised that they may contact the Community Development Specialist, City Planning and Community Investment Department, Economic Development Division at 1200 Third Avenue, Suite 1400, MS 56D, San Diego, California, 92101 or by telephone at (619) 236-6700.

BE IT FURTHER RESOLVED, that the City Clerk is directed to cause a notice of the hearing and assessment ballots to be mailed at least forty-five days before the date of the hearing, postage prepaid, to all property owners, whose names and addresses appear on the last equalized County Assessment Roll, all in the manner and form provided for in the Law.

BE IT FURTHER RESOLVED, that this activity is not a project and is therefore not subject to CEQA pursuant to State Guidelines sections 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Kimberly K. Harris
Deputy City Attorney

KKH:
05/07/08
Or.Dept: CP&CI
R-2008-1037
MMS #6221

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO INITIATING PROCEEDINGS FOR THE
FORMATION OF THE WESTERN PACIFIC BEACH
MAINTENANCE ASSESSMENT DISTRICT.

WHEREAS, the Landscape and Lighting Act of 1972 [the Act], codified at California Streets and Highways Code section 22500, *et seq.*, authorizes the creation of maintenance assessment districts pursuant to the terms thereof; and

WHEREAS, Streets and Highways Code section 22585 authorizes the commencement of the creation a maintenance assessment district by resolution; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the initiation of proceedings for the formation of a maintenance assessment district is hereby authorized pursuant to the Act and the Maintenance Assessment District Ordinance, codified at San Diego Municipal Code section 65.0201, *et seq.* The district shall be known and designated as the Western Pacific Beach Maintenance Assessment District [District].
2. That the District will be for maintenance of landscaped improvements, cleaning, graffiti removal, and safety improvement on public rights-of-way and sidewalks, trash removal, canyon beautification, and street light inspections.

000758

3. That an engineer's report be prepared pursuant to Streets and Highways Code section 22565, *et seq.*

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Kimberly K. Harris
Deputy City Attorney

KKH:bas
05/07/08
Or.Dept: CP&CI
R-2008-1035
MMS #6221

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

6/10/08
110

From: phil sokol [psokol1@san.rr.com]
Sent: Friday, June 06, 2008 2:18 PM
To: CLK Hearings1; jerrysanders@sandeigo.gov; Faulconer, Council Member Kevin; Aguirre, Michael
Subject: Opposition to proposed West Pacific Beach MAD

Gentlemen,

I own and reside in the single family residence at 967 Reed Ave., just inside Zone "A" of the proposed West Pacific Beach Maintenance Assessment District, or "MAD". I am opposed to the MAD as currently structured. I fail to see why I, as a single family resident, should pay for increased services that will primarily benefit the business community.

Specifically: At last night's (6/5), Discover PB indicated that by far the largest expense in the budget was for additional "protection" by off-duty officers and other security personnel. These patrols would be along Mission Blvd and the Boardwalk as well as the main commercial corridors of Grand and Garnet, Zones C and B respectively of the proposed MAD. However, under the proposal, the residents in Zone A would pay for 20% of this cost, yet receive NONE of the additional patrols or services.

This is just one example of the residents paying for services that primarily benefit the business community. In fact, it is the businesses that are responsible for virtually all of the increased traffic in the area as well as 99% of the problems. If there is to be a MAD, the business community should be the ones paying for it, not the residents.

Remove Zone A from the plan and I would support it. However, the MAD as currently proposed is unfair and I urge you to oppose it.

Thank you,

Philip Sokol

6/10/08
#110

From: CLK City Clerk
Sent: Thursday, June 05, 2008 7:51 AM
To: Atkins, Councilmember; Faucett, Aimee; Faulconer, Council Member Kevin; Frye, Donna; Hueso, Councilmember Ben; Lujan, Magdalena; Madaffer, Councilmember Jim; Maienschein, Councilmember; Peters, Councilmember Scott; Pickens, Sonia; Soria, Patricia; Vetter, Gary; Yepiz, Lauren; ZZZYoung, Anthony
Subject: FW: City Council Meeting Agenda Comment Form

-----Original Message-----

From: nsuserid@ada.sannet.gov [mailto:nsuserid@ada.sannet.gov]
Sent: Wednesday, June 04, 2008 2:26 PM
To: CLK City Clerk
Subject: City Council Meeting Agenda Comment Form

San Diego City Council Meeting Agenda Comment Form Submitted on Wednesday, June 4, 2008 at 14:25:31

Name: Cindy Funkhouser

Email: cindfunk@cox.net

Address: 1801 32nd Street

City: San Diego

State: CA

Zip: 92102

Source: San Diego City Council Meeting Agenda Comment Form at
<http://www.sandiego.gov/city-clerk/officialdocs/docketcomment.shtml>

Agenda Item: Item 110; June 10 2008

Comments: Councilmembers: You are being asked again by Scott Kessler (Economic Development) to approve an Engineer's Report (ER) and authorize a ballot for a MAD that Kessler's department will administer and his business allies will be paid a large proportion of the assessment to manage. Last June 12 2007 Kessler docketed Item 337, promoting formation of the Golden Hill MAD based on an ER written by the same out-of-town consulting firm, SCI, as contracted by Kessler's department for the Pacific Beach MAD (Park&Rec MADs, in contrast, contract a local engineering firm, Boyle, which produces legitimate project analyses). If you study SCI's ERs you will see that they are boilerplate, based on Kessler's staff input; they don't reflect knowledge of the communities they describe, nor anything desired by residential property owners. GH's flawed ER falsely claimed that residents petitioned the City for a MAD. PB's ER doesn't use the IRS-990 legal name of the manager-designee BID: Pacific Beach Business Improvement Association (Discover PB) is called Pacific Beach Community Development Corporation in the ER and in Kessler's back-up material. Please read the PB ER and do not approve it; don't force residents of PB to give special assessment money to a private group.

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Crenshaw, Karen

6/10/08
110

From: William Bridge [whb254@earthlink.net]
Sent: Tuesday, June 03, 2008 8:59 PM
To: Mayor, Office of the
Cc: Ojeda, Luis; CLK Hearings1; Faulconer, Council Member Kevin; Aguirre, Michael
Subject: Very concerned citizen

Dear Sir:

Re: Proposed Western Beach Maintenance Assessment District (P.B. Mad.)

The proposed property tax assessment (annual fee) to all residential and business owners located in the certain areas in Pacific Beach is totally unfair.

I would like to ask several question!

1. Who is this group P.B. Mad.?
2. How do they have the authority to propose a tax on anyone? They are not the city government.
3. What is the tax supposed to accomplish? They have not described what it should do or how it will do it.

This is the first time I have been notified of such a plan and I was not notified by the P.B. Mad. group but by a local resident/concerned citizen.

The meeting to discuss it has not been announced several times and in time to plan to attend.

4. Is this group working secretly, & if so , why?
5. Who drew the property lines and street boundaries to see who would be in charged within the property tax assessment district?

As a property owner in the assessment area I wish to voice my disapproval of this tax. I also believe that it is being presented to property owners in an unfair manner. Most property owners know nothing about what is happening.

Thank you for looking carefully into this matter.

Gladys Bridge
1002 W. Briarfield Dr.
San Diego CA. 92109-5009

6/10/2008

#110

From: eva skinner [emmurakam@hotmail.com]
Sent: Thursday, June 05, 2008 8:20 AM
To: CLK Hearings1
Subject: PB MAD

From: emmurakam@hotmail.com
To: jerrysanders@sandiego.gov
Subject: Re: PB MAD
Date: Thu, 5 Jun 2008 15:17:53 +0000

Why aren't the businesses ever responsible for their actions and consequences? Isn't it the City's fault that they have allowed millions of bars, and continues to allow more bars in PB? Where are my already \$6000.00 a year money's being spent in property taxes? I maintain the City's property in front of my house also, I get no help maintaining your property. You need to take my moneys and spend it on clean up, and ask the business owners to power wash the side walks and update their war torn embarrassing buildings by painting them once every 20 years. NO NEW TAXES!!!!

835 Oliver Ave.

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6/6/2008

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110
06/10

From: Diane Faulds [dfaulds@san.rr.com]
Sent: Monday, May 26, 2008 1:52 PM
To: CLK Hearings1
Cc: Faulconer, Council Member Kevin; McNally, Steve; Curtis, Thyme; Awbrey, Matt
Subject: Pacific Beach Maintenance Assessment District - May 27 City Council Hearing



Dear Councilmember Faulconer and all Councilmembers:

At the Wednesday, May 21, Pacific Beach Town Council General Meeting a presentation describing the PB MAD created a lot of questions for those who attended.

It seems there is great confusion among the residents and business owners alike as to what exactly this 'tax' will do, how it was assessed, and why the existing BID in place to business owners is not already covering some of the items addressed here.

As both a resident in Pacific Beach, and a business owner (my postal service is listed on Garnet Avenue), I am concerned that this additional assessment on top of the already assessed BID may be 'double-taxation', based on the 'unknowns' of what is currently being provided for businesses. When the original BID was put in place, were there not the same such services needed and thus the need?

An example for a resident would be trash and cleanup. Do we not already pay for these services currently? That same example for a business owner on Garnet holds true with their BID fees. I have several clients who hold businesses on Garnet, and they feel that they are not receiving services for what they are currently paying.

It would be prudent for this assessment be analyzed further, with comparisons of what the current BID is providing and what the businesses need. It seems that we have a disconnect at the business level here in Pacific Beach - with what they are currently being provided for services and what their specific businesses are creating for the area and the surrounding residential properties. Perhaps the original BID needs to be updated to keep up with the current needs, which are drastically different than when this BID started.

I respectfully request that we postpone this vote, in order for the public to 'weigh in' on what seems to be an unfair situation to all persons who live and work in Pacific Beach. It would also be helpful to know what the current BID provides and agreed to provide at it's inception, and how this is integrated with the new additional proposed assessment.

Thank you for your attention to this urgent matter.

5/27/2008

000760

Diane Faulds
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